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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

BOBBY THOMPSON

Defendant.

2:17-mj-00947-PAL

Stipulation to Continue the
Preliminary Hearing
(Ninth Request)

IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE ELIESON, United States Attorney, and ALEXANDRA MICHAEL AND NADIA AHMED, Assistant United States Attorneys, counsel for the United States of America, and Monti Levy, Esq., counsel for Defendant BOBBY THOMPSON, that the preliminary hearing date in the above-captioned matter, currently scheduled for September 17, 2018, at 4:00 p.m., be vacated and continued for no less than one week, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1 1. Defendant Thompson has entered into a formal plea agreement with the
2 United States. The plea agreement has been signed and has been submitted to the
3 Court.

4 2. A change of plea hearing commenced on August 10, 2018 but was
5 rescheduled for August 28, 2018 and more recently rescheduled for
6 September 19, 2018 at 9:00am. *See United States v. Thompson*, 2:18-cr-
7 00213-APG-GWF ECF Nos. 51 & 52.

8 3. All parties agree to the continuance.

9 4. The defendant is currently detained but does not object to a continuance.

10 5. Denial of this request for continuance could result in a miscarriage of
11 justice.

12 6. The additional time requested herein is not sought for purposes of delay,
13 but to allow Defendant Thompson to enter his change of plea consistent with his signed
14 plea agreement.

15 7. The additional time requested by this stipulation, is allowed, with the
16 defendants' consent under the Federal Rules of Procedure 5.1(d).

17 8. The Court previously indicated that no further extensions would be
18 allowed. ECF No. 47. However, the parties hereby request that the Court permit an
19 additional extension for procedural purposes so that the change of plea hearing may take
20 place thereby resolving the case pre-indictment and obviating the need for a preliminary
21 hearing.

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4 9. This is the ninth request for a continuation of the preliminary hearing.

5 DATED this 12th day of September, 2018.

6 Respectfully submitted,

7 **For the Defendants:**

For the United States:

8 DAYLE ELIESON
United States Attorney

9 //s//
10 MONTI LEVY, ESQ.
Counsel for Defendant - Thompson

//s//
ALEXANDRA MICHAEL
NADIA AHMED
Assistant United States Attorneys

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

2:17-mj-00947-PAL

Plaintiff,

vs.

ORDER

BOBBY THOMPSON

Defendant.

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defendant Thompson has entered into a formal plea agreement with the United States. The plea agreement has been signed and has been submitted to the Court.

2. A change of plea hearing commenced on August 10, 2018 but was rescheduled for August 28, 2018 and more recently rescheduled for September 19, 2018 at 9:00am.

See United States v. Thompson, 2:18-cr-00213-APG-GWF ECF Nos. 51 & 52.

3. All parties agree to the continuance.

4. The defendant is currently detained but do not object to a continuance.

5. Denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested herein is not sought for purposes of delay, but to allow Defendant Thompson to enter his change of plea consistent with his signed plea agreement.

7. The additional time requested by this stipulation, is allowed, with the defendants' consent under the Federal Rules of Procedure 5.1(d).

1 8. The Court previously indicated that no further extensions would be allowed.
2 ECF No. 47. However, the parties hereby request that the Court permit an additional
3 extension for procedural purposes so that the change of plea hearing may take place
4 thereby resolving the case pre-indictment and obviating the need for a preliminary
5 hearing.

6 9. This is the ninth request for a continuation of the preliminary hearing.

7 For all of the above-stated reasons, the ends of justice would best be served by a
8 continuance of the preliminary hearing date.

9 **CONCLUSIONS OF LAW**

10 The ends of justice served by granting said continuance outweigh the best interest
11 of the public and the defendants, since the failure to grant said continuance would be
12 likely to result in a miscarriage of justice, would deny Defendant Thompson an
13 opportunity to plea guilty to the pre-indictment plea offer, and if the case is not resolved
14 pre-indictment, it further would deny the parties sufficient time and the opportunity
15 within which to be able to effectively and thoroughly prepare for the preliminary
16 hearing, taking into account the exercise of due diligence.

17 The continuance sought herein is allowed, with the defendants' consent, pursuant
18 to Federal Rules of Procedure 5.1(d).

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ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently
scheduled for September 17, 2018, at the hour of 4:00 p.m., be vacated and continued to
September 24, 2018 at the hour of 4:00 pm.

DATED this 13th day of September, 2018.


THE HONORABLE PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE